UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,896	07/03/2001	Anthony Haber	DLT-009	3622

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ART UNIT	PAPER NUMBER
3685	

NOTIFICATION DATE	DELIVERY MODE
12/18/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
	09/898,896	HABER ET AL.
Office Action Summary	Examiner	Art Unit	
	CHARLES C. AGWUMEZIE	3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *22 October 2008*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *2,4-12 and 14-42* is/are pending in the application.
    4a) Of the above claim(s) *24-42* is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *2, 4-12, and 14-23* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *11 December 2006* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *1/17/03; 07/11/08*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Acknowledgment

1.   Applicants' amendment filed October 22, 2008 is acknowledged. Accordingly

claims 2, 4-12, 14-23, and 24-42 remain pending.

Response to Arguments

2.   Applicant's arguments filed October 22, 2008 have been fully considered but they

are not persuasive.

3.   With respect to **claim 2**, Applicant argues that Walker, Mehrotra and Sheets',

which were the only references supporting the rejection of independent claim 2, either

individually or in combination fail to teach or suggest all of the limitations of independent

claim 2 and therefore do not render obvious that independent claim or any of the

remaining claims that depend therefrom. Specifically that Walker, Mehrotra and Sheets'

do not teach or disclose "the collaboration agent to provide the users with a list of

options reflecting available product inventory selected so as to guarantee a user

selecting at least one of the options from the list at least one result from the available

product inventory."

In response, Examiner respectfully disagrees and submits that Sheets' does

disclose "the collaboration agent to provide the users with a list of options reflecting

available product inventory selected so as to guarantee a user selecting at least one of

the options from the list at least one result from the available product inventory." In

sheets' the customer specifies the particular products that the customer desires. Sheets'

made it clear that the processor (collaborative agent) finds the most relevant products

for the customer and "after finding these products, the system will rank the products

based on any low priority fields in the deal record. For example, a customer may specify

that his high priority options are General Motors sedan-type vehicles with air-

conditioning, less than 50,000 miles and priced less than $10,000 dollars; the

customers may further specify that his low priority options are red automobiles with cd

player, leather upholstery, and automatic windows. If a search is run for this customer

all GM sedans with AC, less than 50,000 miles and priced less than $10,000 (the high

priority items) will be returned from the search in the vehicles <u>available</u> report. The

vehicles available report will rank the results by placing all the red automobiles with cd

player, leather upholstery and automatic windows (the low priority items) at the top of

the list of automobiles in the vehicles available report. Products missing only one of the

low priority items will be next on the list, followed by products missing two of the low

priority items, and so on..." According to the quoted paragraph above, the returned

results are based on list of options reflecting only available product inventory as

claimed with (1) one option being "low priority items", (2) another option being

"products missing only one of the low priority items", (3) products missing two of the

low priority items and so on. In order words, Sheets does not only provide the user or

customer with information specified by the customer but instead goes on to

recommend or suggest related configuration or options available within the available

product inventory. The customer has the options to choose from the high priority to the

low priority available products printed on the vehicles available report. It is Examiner's

position that processor (collaborative agent) provides the user with a list of options

reflecting available product inventory as claimed. Thus Sheets does teach providing

the users with a list of options reflecting available product inventory selected so as to

guarantee a user selecting at least one of the options from the list at least one result

from the available product inventory. Accordingly, Examiner submits that the

combination of Walker, Mehrotra, and Sheets' teach or suggest all of the elements of

the present Applicant's independent claim 2 and all the claims dependent from claim 2.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 2, 4-12, 14-23**, are rejected under 35 U.S.C. 103(a) as being obvious

over U.S. Patent No. 5,794,207 to Jay S. Walker in view of the applicant's own

admission of the prior art in the Back Ground (paragraphs [0002]-[0005]) and Mehrotra

et al U.S. Patent Application Publication No. 2003/0167222 A1 and further in view of

Sheets U.S. Patent Application Publication No. 2001/0049653 A1.

6.   As per **claims 2, 4, and 14**, Walker clearly teaches an apparatus comprising:

a collaboration engine (fig. 1; ...central controller...);

control logic communicatively connected to the collaboration engine, wherein the

control logic selectively invokes an instance of one or more features of the collaboration

engine in response to commands received by the control logic (see figs. 1-4 and

associated text; col. 8, line 28-col. 9, line 51; col. 12, line 54-68);

a network interface (see figs. 1-4);

memory (figs. 1-4);

management applications communicatively connected to the control logic a

storage medium to store a plurality of collaboration rules; and a collaboration agent, to

provide an interface through which digitally disparate sellers, dealers and/or

manufacturers agree to selectively participate in commercial transactions for requesting

users, and to enable each of the sellers, dealers and/or manufacturers to define terms

and conditions under which they selectively participate with one another to facilitate

commercial collaboration between these otherwise digitally disparate providers (See

Walker figures 1-4 and associated text, column 10, lines 8-56)

7.   Walker further does not explicitly teach

to provide, at least in part, product inventory information from participating

sellers, dealers and/or manufacturers including, at least, provider-specific product

attributes;

the collaboration agent to provide the users with a list of options reflecting

available product inventory selected so as to guarantee a user selecting at least one of

the options from the list at least one result from the available product inventory.

8.   Mehrotra et al discloses to provide, at least in part, product inventory information

from participating sellers, dealers and/or manufacturers including, at least, provider-

specific product attributes (0041, which discloses general attributes of products with the

product space...; 0054, which discloses that the customer is presented with a current

virtual database of available products with pricing set with using merchandizing rules

established by the dealer, supplier and the portal merchandiser);

9.   Sheets discloses the collaboration agent to provide the users with a list of options

reflecting available product inventory selected so as to guarantee a user selecting at

least one of the options from the list at least one result from the available product

inventory (0025; ....determine which products which most closely match...; 0026; ...and

particular product options...).

Accordingly, it would have been obvious to one of ordinary skill in the art at time

of applicant's invention to modify the method of Walker et al and incorporate the to

provide, at least in part, product inventory information from participating sellers, dealers

and/or manufacturers including, at least, provider-specific product attributes; the

collaboration agent to provide the users with a list of options reflecting available product

inventory selected so as to guarantee a user selecting at least one of the options from

the list at least one result from the available product inventory in view of the teachings of

Mehrotra and Sheets respectively since the claimed invention is merely a combination

of old elements and in the combination each element would have performed the same

function as it did separately, and one of ordinary skill in the art would have recognized

that the results of the combination were predictable.

10.   As per **claim 6,** Walker teaches all the limitations of claim 5, further, Walker

teaches the user interface applications further comprises a GUI interface.

11.   As per **claim 9**, Walker teaches all the limitations of claim 3, further the memory

comprises:

    a rules data element; and a search/transaction history data element (See Walker

    column 12, lines 54-68, column 13, lines 59-62, column 18, lines 14-55).

12.   As per **claim 10**, Walker teaches all the limitations of claim 9, wherein the

memory further comprises volatile or non-volatile memory (See Walker column 12, lines

3-7 and lines 54-68).

13.   As per **claims 21-23**, Walker teaches all the limitations of claim 7, further

comprising a collaboration rules database which, when invoked by the search rules

engine, identifies and divides collaboration partners into preferential tiers based, at least

in part on the collaboration rules (See walker column 13, lines 30-62, column 19, lines

29-44), a seller identification field; and a collaboration partner identification field (See

Walker column 2, lines 16-26, column 7, line 66-column 8, line 2, column 13, lines 11-

62, column 19, lines 29-44).

14.   As per **claim 5**, Walker teaches all the limitations of claim 2, wherein the

collaboration agent further comprises:

    statistical tool applications; report generation tool applications; and user interface

    applications (See Walker column 12, lines 54-68 and column 13, lines 59-62).

    What is not clear in Walker is a comprehensive reporting details. However, it would

    have been obvious to one having ordinary skill in the art at the time the current

    invention was made to utilize enhanced methods and systems of reporting and

    statistical analysis of data collected in a database for expanded understanding of the

    systems performance in a business environment as well as enhanced knowledge of

    the volume or any other aspects of conducted transactions.

15.   As per **claims 7-8, and 17-20** Walker teaches all the limitations of claim 3,

further the collaboration agent further comprises:

    a database manager to populate and manage information resident within

associated databases; a search rules engine for searching data structures; and a data

translator (See Walker figure 8, column 12, lines 54-68, column 18, lines 44-60). What

is not specific by Walker teaching is the data translator. However, it would have been

obvious to one having ordinary skill in the art at the time the current invention was made

to know that and it would be essential in order to display the information on a GUI such

as a browser on internet, one has to translate XML data and HTML codes collected

from a database via a server. Or even if the is a CGI script to collect information and

display it in a GUI such as a browser it would be essential to translate the information.

Additionally data integration and translation of common data in disparate

computer location and synchronization and transfer of such data from one computer to

another is well known in the art. It is a common practice to use EDIs or APIs to move

data from one database to another and utilizing these applications to manage the

dissimilarity of type of the data. For example U.S. Patent No. 4,714,995 to Anthony

Materna is clearly teaching the integration of different data in separate databases.

However, it would have been obvious to one having ordinary skill in the art at the time

the current invention was made to have the utility of data translation for consistency of

the data among disparate computer systems with common data elements for better

efficiency and integrity of the data collected.

16.   As per **claims 11 and 15**, Walker teaches all the limitations of claims 2 and 7,

the storage medium further comprises:

        a consolidated inventory database; and a product identification database is a

well-known practice in the art. Patent Publication No. US2002/0083077A1 to David

Vardi clearly demonstrates the consolidation of databases is well-known and old

practice in the art. Therefore, it would have been obvious to one having ordinary skill in

the art at the time the current invention was made to include the well known practice of

such consolidation of collected data includes standardization, consolidation or

correlation of the information gathered from different sources and supplies it to an

analyzer and report generator that provides the information to a user in a format that is

easier to use.

17.   As per **<u>claim 12</u>**, Walker teaches all the limitations of claim 11, further the

storage medium is located externally from the collaboration agent (See Walker Figures

1-8).

18.   As per **<u>claim 16</u>**, Walker teaches all the limitations of claim 7, further the

database manager further comprises a data management function which, when

invoked, enables a user to modify product attribute information. The function of the

management interface is an essential and integral part of any common database

management system in order to control, access, and manage the data base tables as

well as data collected. As it can be seen in the examples of the Patent Publication No.

US2002/0083077A1 to David Vardi. Therefore, it would have been obvious to one

having ordinary skill in the art at the time the current invention was made to make such

interface to access the data elements as well as for maintenance of the database

system to have such an interface for added control and enhancement of data tables and

collected data within them.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in

the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art ad are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested that the applicant, in preparing the

responses, fully consider the references in entirety as potentially teaching all or part of

the claimed invention, as well as the context of the passage as taught by the prior art or

disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-**

6838. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Fischer can be reached on **(571) 272 – 6779**.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C. Agwumezie/
Primary Examiner, Art Unit 3685
December 13, 2008